

City Council Introduction: **Monday**, February 25, 2002  
Public Hearing: **Monday**, March 4, 2002, at **1:30** p.m.

Bill No. 02-25

## **FACTSHEET**

**TITLE: STREET VACATION NO. 01022**, requested by Lincoln Plating Company, to vacate the north 12 feet of West "E" Street from the east line of Folsom Street to the west line of S.W. 6<sup>th</sup> Street, generally located at South Folsom and West "E" Street.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**ASSOCIATED REQUESTS:** Special Permit No. 1943 (02R-28).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/23/02  
Administrative Action: 01/23/02

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent).

### **FINDINGS OF FACT:**

1. This street vacation and the associated Special Permit No. 1943 were heard at the same time before the Planning Commission.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3, concluding that the proposal, combined with Special Permit No. 1943, allows Lincoln Plating to construct additional parking while maintaining the 25' R-2 front yard setback along West "E" Street.
3. This application had been placed on the Consent Agenda of the Planning Commission on January 23, 2002. However, Danny Walker requested that it have a separate public hearing.
4. The applicant's testimony is found on p.4-5.
5. Testimony in opposition by Danny Walker is found on p.5. Mr. Walker's main concern is expansion of the business which sits in the middle of the floodplain.
6. It was explained by the applicant that the conservation easement associated with the special permit will sustain the floodplain capacity (See Minutes, p.5).
7. On January 23, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 19, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 19, 2002

**REFERENCE NUMBER:** FS\CC\2002\SAV.01022

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Street and Alley Vacation #01022

**DATE:** January 10, 2001

**PROPOSAL:** To vacate the north 12 feet of W. "E" Street from the east line of Folsom Street to the west line of SW 6<sup>th</sup> Street.

**LAND AREA:** 6,845.52 square feet, more or less

**CONCLUSION:** This proposal, combined with Special Permit #1943, allows Lincoln Plating to construct additional parking while maintaining the 25' R-2 front yard setback along W. "E" Street.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The north 12 feet of W. "E" Street from the east line of Folsom Street to the west line of SW 6<sup>th</sup> Street, located in the SE 1/4 of Section 27, T10N, R6E of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

**LOCATION:** S. Folsom and W. "E" Street

**APPLICANT:** Lincoln Plating Company  
600 W. "E" Street  
Lincoln, NE 68522  
(402) 475-3671

### **SURROUNDING LAND USE AND ZONING:**

North:	I-1 Industrial	Lincoln Plating buildings
South:	R-2 Residential	Single family housing
East:	R-2 and I-1	City pumping station and vacant floodplain
West:	R-2	One residence and vacant land

**ASSOCIATED APPLICATIONS:** Special Permit #1943

**COMPREHENSIVE PLAN SPECIFICATIONS:** W. "E" Street is classified as a local street.

This area is in a 100-year flood zone. The Comprehensive Plan indicates a goal to "Protect natural stream corridors and enhance man-made open channels for the purpose of improving water quality and reducing flood damage and erosion while retaining open space"(page 70) and to "Protect the quantity and quality of ground and surface water"(page 70).

**UTILITIES:** Lincoln Electric System has existing overhead and buried electrical facilities in this area and has requested that a permanent easement be established for the entire vacation corridor.

**TRAFFIC ANALYSIS:** S. Folsom is an Urban Collector; W. "E" Street is a local street.

**ANALYSIS:**

1. The Public Works & Utilities Department recommends approval of this vacation.
2. The Lincoln Electric System requested that a permanent easement be established for the entire vacation corridor.
3. A permanent conservation easement should be retained over the entire portion of vacated right-of-way. The City Law Department has prepared a quitclaim deed which will accomplish this when the transfer is completed.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Jason Reynolds  
Planner

# **SPECIAL PERMIT NO. 1943 and STREET VACATION NO. 01022**

## **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:**

January 23, 2002

Members present: Bills, Carlson, Krieser, Newman, Schwinn and Steward; Duvall, Hunter and Taylor absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3254; SPECIAL PERMIT NO. 1943; STREET AND ALLEY VACATION NO. 01022; COUNTY FINAL PLAT NO. 01036, PRAIRIE VISTA; COMPREHENSIVE PLAN CONFORMANCE NO. 01005; COMPREHENSIVE PLAN CONFORMANCE NO. 01006; STREET AND ALLEY VACATION NO. 01023; and STREET AND ALLEY VACATION NO. 01024.**

**Item No. 1.1, Change of Zone No. 3254; Item No. 1.2a, Special Permit No. 1943; Item No. 1.2b, Street and Alley Vacation No. 01022; and Item No. 1.3, County Final Plat No. 01036** were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Bills and carried 6-0: Bills, Carlson, Krieser, Newman, Schwinn and Steward voting 'yes'; Duvall, Hunter and Taylor absent.

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 23, 2002

Members present: Steward, Newman, Bills, Taylor, Carlson, Krieser and Schwinn; Duvall and Hunter absent.

Staff recommendation: Conditional approval of the special permit and a finding of conformance with the Comprehensive Plan on the street vacation.

These applications were removed from the Consent Agenda at the request of Danny Walker.

### **Proponents**

**1. Kent Seacrest** appeared on behalf of **Lincoln Plating Company**. This is a special permit to allow a parking lot in residential zoned property along with a street vacation request. Over four years ago, Lincoln Plating knew it was growing and developed a master plan, which was shared with the neighborhood. Pieces of this master plan were brought forward in 1998 and 2000, and at those times the applicant met with the neighborhood to reconfirm the plans and there was no opposition.

These applications are another part of the master plan, which is a parking lot on the south side of the main facility. Initially, this was proposed as a change of zone to commercial. Lincoln Plating

is trying to get a four-row parking lot to provide capacity for customers and employees. Staff was opposed to the commercial zoning and recommended a special permit rather than the change the zone. The residential zoning had 25' front yard setback which prevented the parking lot being requested. The staff suggested shifting the road that has not yet been built so that they can meet the 25' setback in the residential zone, thus the request for the street vacation. Lincoln Plating has given the city a deed for land on the south side and the staff is willing to vacate some land on the north side in order to shift the road to the south.

Seacrest is unaware of any neighborhood concerns.

Steward inquired whether this is an alleyway. Seacrest responded, "No, it's a 'confusing-way'". Seacrest explained the proposal on the map. E Street is being shifted. There will be an outlot on the south that is landscaped. The protection for the neighbors is the public street, an outlot that is landscaped and an alley. There is a tree mass back there as well.

### Opposition

**1. Danny Walker** wanted to know the actual size of the proposed parking lot. If he understands correctly, this E Street (which does not actually exist) was vacated some time ago and he wants to know if that is true. His main concern is that there is a lot of expansion going on in that business, sitting in the middle of the floodplain with hazardous chemicals, etc., etc., etc.

Jason Reynolds of Planning staff advised that the total area of the special permit is 1.39 acres, with about 25' of green space between the sidewalk and the parking area on two sides. He estimated the parking lot to be 1.1 acres in the area of the special permit. He believes there was a vacation of E Street with the previous Lincoln Plating Addition preliminary plat, which created E Street. This vacation is vacating a portion of that E Street that was created a few years ago.

### Response by the Applicant

Seacrest agreed with the staff comments. There used to be an E Street further to the north that was shifted with the preliminary plat. We did that to create a new street that the neighbors did not have to rely on, but to allow for Lincoln Plating's commercial traffic to go out to Folsom and not come through the neighborhood. We finally do have a circulation plan to separate the commercial traffic from the residential traffic with this proposal.

Newman inquired as to the effect of the conservation easement. Seacrest suggested that, 1) it's an open space that will not have buildings or signs, and 2) it will sustain the floodplain capacity in that area.

Public hearing was closed.

**SPECIAL PERMIT NO. 1943**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Steward moved to approve the staff recommendation of conditional approval, seconded by Krieser.

Schwinn believes that Danny Walker did bring up a serious question about hazardous chemicals in the floodplain; however, we are only talking about a parking lot in front of this business and the facility has been there long before any of these Commissioners got here. This action is to make sure the parking lot fits into the neighborhood as well as possible. He appreciates what Lincoln Plating is trying to do for the neighborhood.

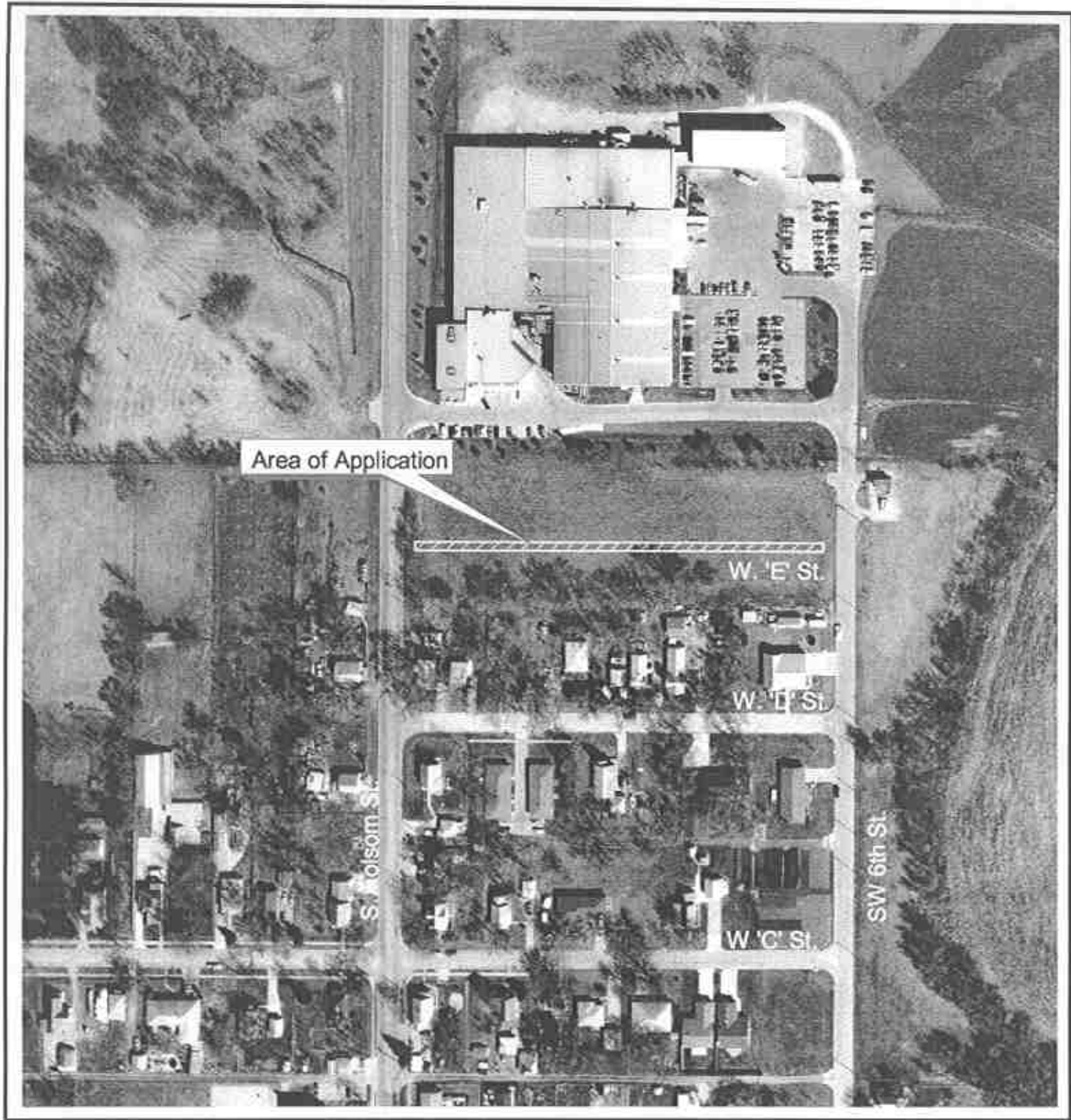
Motion for conditional approval carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.

**STREET VACATION NO. 01022**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Steward moved to find the street vacation to be in conformance with the Comprehensive Plan, seconded by Krieser and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.



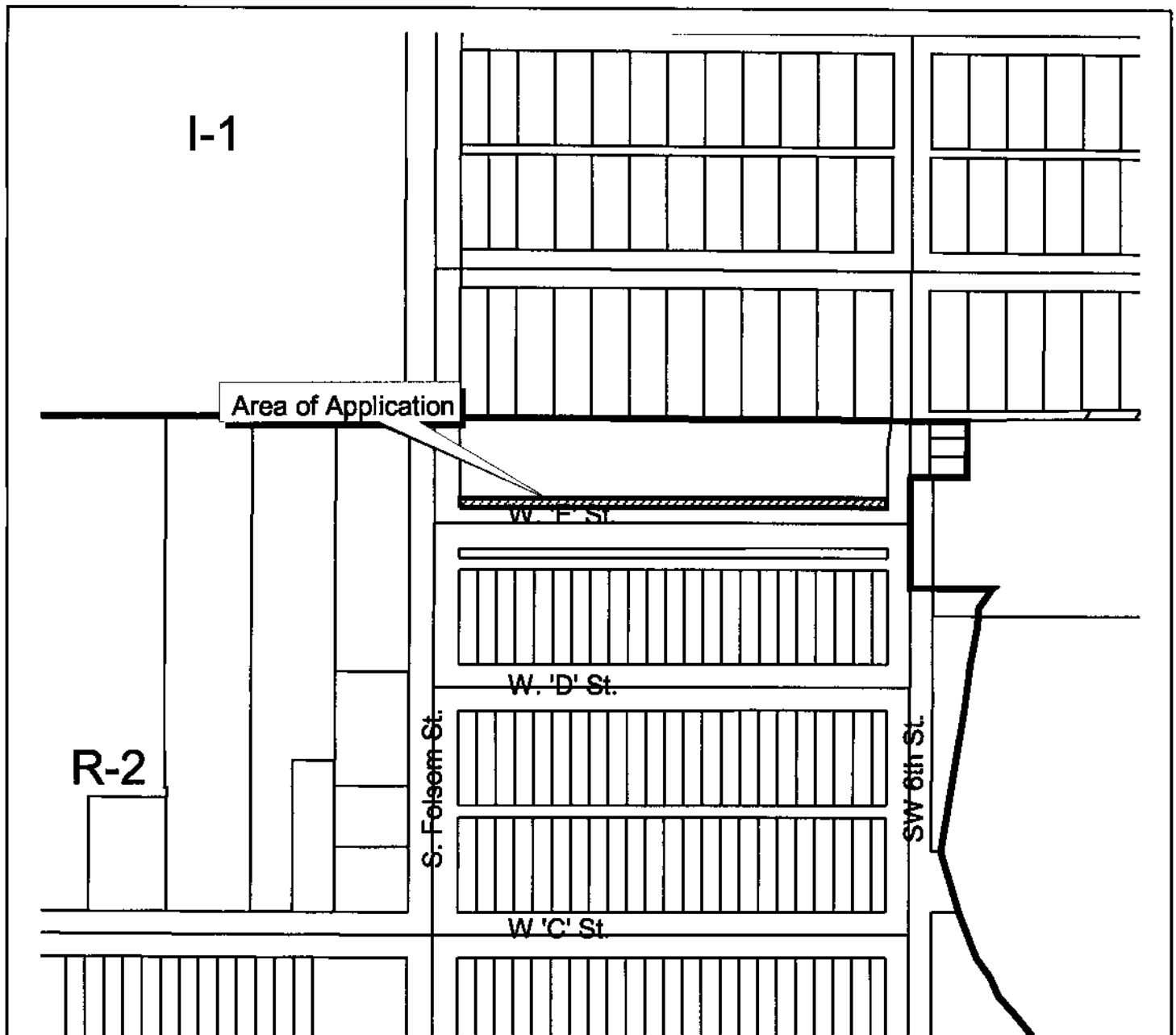
**Street & Alley Vacation #01022**  
**Folsom & 'E' St.**



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Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

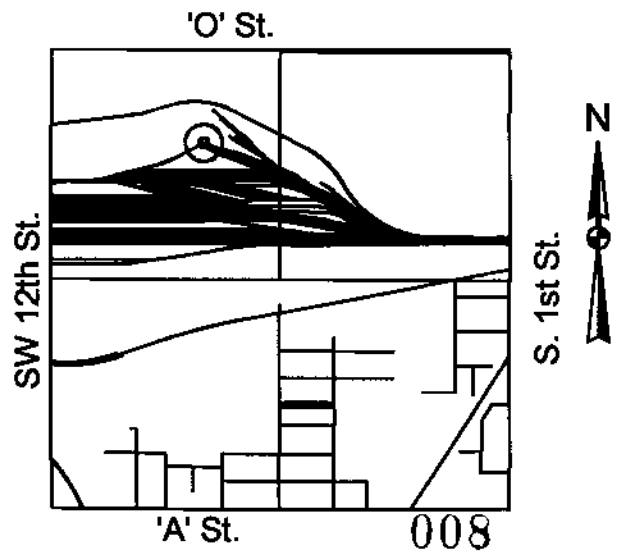
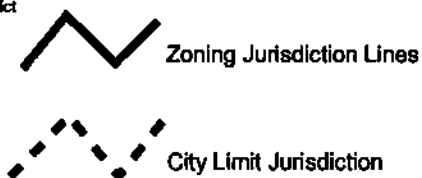


## Street & Alley Vacation #01022 Folsom & 'E' St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 27 T10N R6E





## INTER-DEPARTMENT COMMUNICATION

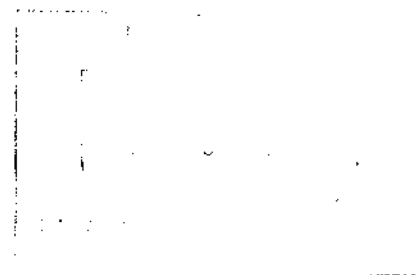
**TO** Jason Reynolds/Abby Davis  
**DEPARTMENT** Planning  
**ATTENTION**  
**COPIES TO**

**DATE** December 31, 2001  
**FROM** Rick Peo *Rick Peo*  
**DEPARTMENT** City Law  
**SUBJECT** Vacation of West E Street/  
Conservation Easement  
CPC01007

It is my understanding that the vacation of the north 12 feet of West E Street from the east line of Folsom Street to the west line of Southwest 6th Street is to be protected by a conservation easement over that vacated right-of-way in order to protect the floodplain. Since this property will be conveyed to the abutting property owner, it is not necessary that a separate conservation easement agreement be created and processed. Rather, the City of Lincoln in the vacation and the quitclaim deed to the abutting property owners would reserve the conservation easement over the vacated right-of-way for its own benefit. Please find enclosed a draft quitclaim deed for this vacated right-of-way which makes the following reservations: (1) reservation for utilities and (2) reservation of a conservation easement.


If you have any questions or need any additional information regarding this matter, please contact me.

ERP/ce  
Enclosure



# M e m o r a n d u m

CD - 2001

**To:** Jason Reynolds, Planning  
**From:**  Dennis Bartels, Engineering Services  
**Subject:** Conservation Easement West 'E' Street  
**Date:** December 31, 2001  
**cc:** Roger Figard  
Nicole Fleck-Tooze

Engineering Services recommends approval of a conservation easement over the proposed vacation of the north 12' of West 'E' Street between Folsom and South 6th Streets.

## INTEROFFICE MEMORANDUM

TO: Mayor Wesely  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 10, 2002

COPIES TO: Joan Ross  
Kathleen Sellman  
Dana Roper  
Byron Blum

SUBJECT: Vacation of the north 12 feet of West  
E Street from Folsom Street to  
SW 6<sup>th</sup> Street

A request has been made to vacate the north 12 feet of West E Street lying between Folsom Street and Southwest 6<sup>th</sup> Street. The area was viewed and appears as an area that has been graded in preparation for parking lot development in conjunction with the adjoining property. Public Works has asked that a permanent easement be retained for existing electrical facilities.

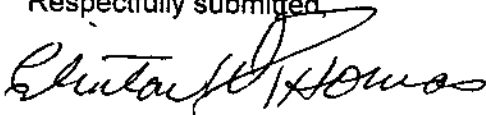
A strip of land 6.9 feet in width has been deeded to the City as additional street right-of-way on the south side of E Street to replace the 6 feet originally requested to be vacated; now expanded to 12 feet. Since this area was deeded in fee and the portion to be vacated will be encumbered by a permanent utility easement, it would seem reasonable to treat this as a land trade for the same amount of vacated street right-of-way. The abutting landowner would be expected to pay for the remaining portion of street right-of-way being vacated.

The property adjacent to West E Street is estimated to have a value of approximately \$1.00 per square foot. A 5.1' strip of the area being vacated is calculated to be 2,909 square feet. Given the narrowness of the area being vacated and the retention of utility easements over it, it is estimated the area has a value of approximately 35% of the value it will assume once it is assembled into the abutting property. The value estimated at \$0.35 per square foot calculates as follows:

$$2,909 \text{ sq. ft.} \times \$0.35 = \$1,018.15 \text{ called } \$1,000.00$$

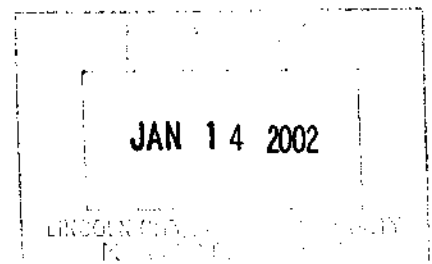
Therefore, it is recommended that if the area be vacated it be sold to the abutting landowner for \$1,000.00.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

dge



Lincoln



Nebraska's Capital City

December 19, 2001

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

*RE: Vacating the north 12 feet of West "E" Street from the east line of Folsom Street to the west line of Southwest 6th Street*

Dear Ladies and Gentlemen:


The Department of Public Works and Utilities has received a petition from Lincoln Plating Company, owners of Lot 1 Lincoln Plating Addition, to vacate the above described public right-of-way. The purpose of this vacation request is to provide a setback for a proposed parking lot 6.9 feet of right-of-way has been deeded along the south side of West "E" Street to replace the ~~6~~ feet being vacated.

*12*

The Lincoln Electric System has existing overhead and buried electrical facilities in this area and have requested that a permanent easement be established for the entire vacation corridor.

Subject to approval of petition by City Law Department the Department of Public Works and Utilities recommends approval of this vacation request with the above mentioned conditions. This vacation contains an area of 6,845.52 square feet, more or less.

Sincerely,

  
Byron Blum  
Engineering Services

fcj westevac blb.wpd

cc: Mayor Wesely  
Allan Abbott  
Kathleen Sellman  
Marc Wullschleger  
Roger Figard  
Nicole Fleck-Tooze  
Joan Ross  
Clint Thomas  
Dana Roper

